

REMARKS

Claim 1 is revised to include the substance of Claims 6 and 7, along with further revisions in an effort to define over the applied art. Claim 1 is also revised to overcome the rejection under 35 U.S.C. 112, second paragraph. Claims 6-12 are cancelled without prejudice, and Claims 13-22 remain withdrawn from further consideration in the present application. Claims 1, 2, and 5 remain under consideration, with no claim previously allowed.

The rejection of Claims 8-12 under 35 U.S.C. 101 is moot because those claims are cancelled. The applicant may present the subject matter of those claims in a continuation application.

Claims 1 and 8 stand rejected under 35 U.S.C. 112, second paragraph, as omitting an essential step. According to the rejection, the omitted step is finding the value of subscript j. Claim 1 is revised to define subscript j as an initial selection of products numbering greater than one. This revision to Claim 1 is submitted as overcoming the rejection under 35 U.S.C. 112, second paragraph.

Claims 1, 2, 7-9, and 12 were rejected under 35 U.S.C. 103(a) as unpatentable over *Rubin* (6,078,897) in view of *Carter* (5,878,400). (This rejection identifies *Carter* by the Publication No. 2002/0071526 corresponding to *Israelski*. The undersigned assumes the Examiner intended to cite *Carter* as the secondary reference in this rejection.). Because Claim 1 now includes elements formerly in Claim 6, the applicant respectfully submits that the rejection does not apply to currently-amended Claim 1.

Claims 5, 6, 10 and 11 are rejected as being unpatentable over *Rubin* and *Carter*, further in view of *Israelski* (2002/0071526). The applicant respectfully traverses that rejection as possibly applied to currently-amended Claim 1.

Claim 1 recites an embodiment of a computer-implemented method for conveying sales options. In particular, the method provides an incremental offering price of upgrades a customer may select from an array of goods and services (“products”), with a variable pricing structure that rewards customers choosing a greater number or higher level of goods and services (Specification, Paragraph 0008). If the customer decides to upgrade his or her previous selections, the method determines a new offering price for the changed selection and provides that offering price *and the incremental upgrade price* (Specification, Paragraph 0023). The method thus shows the customer how the incremental cost of adding a product to the initial selection, i.e., the “j products”, can reduce the cost of that added product (Paragraphs 0022-0023).

Rubin discloses an ordering method in which a volume discount for a proposed order is displayed to the user (Column 2, Lines 28-31). *Rubin* thus calculates the volume of products or services that, when added to the proposed order, would allow the order to reach the next higher discount threshold (Column 4, Lines 13-15), so that the buyer may add an additional order to qualify the combined order for the next higher discount (Column 4, Lines 26-29). However, *Rubin* does not teach providing a customer with an incremental offering price of another product. That is, *Rubin* calculates how much more the customer must purchase to qualify the combined order for the next-higher discount. However, and unlike the method embodied in Claim 1, *Rubin* does not teach providing the customer with the incremental upgrade price of the changed selection, apart from the

total cost of all products selected. *Rubin* thus fails to show the customer how adding one more product to the initial selection of products can reduce the incremental cost of that added product, which is an element of the method embodied in Claim 1.

The rejection acknowledges that *Rubin* also does not disclose a method employing the pricing formula recited in Claim 1. *Carter* is cited as disclosing a pricing formula to calculate a volume discount based on the quantity and kind of products purchased. However, *Carter* (as with *Rubin*) does not provide the customer with an incremental offering price of another product in addition to the number of products in the customer's initial selection, as recited in amended Claim 1.

Israelski does not supply the foregoing omissions from *Rubin* and *Carter*. Paragraph 0029 of *Israelski* is said to teach providing the customer with an incremental offering price of an upgrade to the customer's selection, but that paragraph (and Blocks 36 and 40 in Fig. 1) merely discuss informing the customer of alternative telecommunication features and estimated future performance. Furthermore, even if one assumes that *Israelski*'s alternative information includes the costs of those alternatives, that reference still fails to teach providing the customer an incremental offering price of the upgrade ("another product") in addition to the number of products of the customer's initial selection. That aspect of the present invention, as mentioned above, informs the customer of the incremental pricing that results from changing the customer's initial selection. That teaching is missing from *Israelski* as well as from *Rubin* and *Carter*. Accordingly, amended Claim 1 defines a method that is patentable over that combination of art.

Claims 1, 2, and 5-12 were rejected as anticipated by *Walker* (2006/0206385). The applicant respectfully traverses that rejection as possibly applied to amended Claim 1.

Walker is cited as teaching summarizing variable discounts to arrive at a total price, e.g., Paragraphs 0010, 0013, and 0093. In that respect, *Walker* is similar to *Rubin*, *Carter*, and *Israelski* by providing a *total* price for a selection of products. However, *Walker* fails to anticipate a method including providing to the customer an incremental upgrade price of the changed selection relative to the products of the customer's initial selection. That feature of the method embodied in Claim 1 informs the customer of the extent to which the incremental offering price of that added product is reduced relative to the stand-alone price for that price. Because *Walker* fails to disclose that element of the method embodied in Claim 1, that claim is novel over *Walker*.

Claims 2 and 5 depend from Claim 1 and are patentable over the applied art for the respective reasons given above.

The foregoing is submitted as a complete response to the Office Action identified above. The applicant respectfully submits that the present application is in condition for allowance and solicits a notice to that effect.

Respectfully submitted,

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